IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9028 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PREM BAHADUR KASHYAP

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 9028 of 1999

MR HJ NANAVATI for Petitioner No. 1

Mr. KL Pandya AGP for Respondent No. 1

MR PARESH UPADHYAY for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE H.K.RATHOD

Date of decision: 09/10/2003

ORAL JUDGEMENT

Heard learned advocate Mr. Harish Nanavaty for

the petitioner; Ms. Harshal Pandya for Mr. Paresh Upadhyay for respondent No. 2 and Mr. KL Pandya, learned AGP for respondent No.1. It is the case of the petitioner that by order dated 10.12.1990, the petitioner was appointed as Manager (Production) in the Gujarat State Leather Industries Development Corporation Ltd. in the pay scale of Rs.2200-4000 with 2 advance increments i.e. at the basic pay of Rs.2650.00. It is the further case of the petitioner that thereafter, the respondent corporation has accepted recommendations made by the Vth Pay Commission with effect from 1.1.1986 and according to the petitioner, he is entitled for the revised pay scale in the scale of Rs.8000-13500 but instead of that, the respondents have wrongly fixed his pay in the pay scale of Rs.6500-10500 for which, before filing this petition, legal notice as per page 18 (ANnexure-C) was served upon the respondent corporation.

During the course of hearing, it was submitted by the learned advocate Mr. Nanavaty that at the time of submitting the option form, the respondent has insisted that the petitioner should show the scale of Rs. 2000-3500 and that is how the respondents have revised the pay wrongly. He has relied upon certain examples of scale which has been given for the same post in other corporations. It was his submission that the petitioner is entitled for the scale of Rs.8000-13500 which has been wrongly denied to the petitioner.

Affidavit in reply to the present petition has been filed by the respondent corporation. Respondent no.1 has not filed any reply to the present petition.

I have considered this matter. I have perused the averments made by the petitioner in the memo of petition and the reply of the respondent no.2 corporation. I have also perused the Government Resolution dated 19.12.1998. One fact is very much clear that there is no post of Manager (Production) in the respondent Corporation. However, the Corporation has accepted the scale of the post of Manager (Project) in revising the pay scale of the petitioner. If in any other corporation, for the identical post of Manager (Production), the revised pay scale prescribed is of Rs.8000-13500, then, that aspect has never been brought to the notice of the corporation by the petitioner by making some suitable representation in that regard.

In view of that, it is open for the petitioner to make detailed representation before the Highest Authority of the respondent No.2 Corporation namely Managing

Director about his grievances voiced in the present petition, within fifteen days from the date of receipt of copy of this order. As and when such representation made by the petitioner is received by the Managing Director of respondent NO.2 Corporation, Managing Director of respondent NO.2 Corporation is directed to reconsider the matter of the petitioner and to examine the grievance of the petitioner and then to pass appropriate well reasoned and speaking orders in accordance with law within the period of two months from the date of receipt of such representation from the petitioner and to communicate the same to the petitioner.

With these observations and directions, this petition is disposed of. Rule is discharged. There shall be no order as to costs. It is however clarified that this order has been passed by this court without expressing any opinion on the merits of the matter.

Dt.9.10.2003. (H.K. Rathod,J.)
Vyas